

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 548 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

KAMAL R DHANVADI

Versus

VIRPUR GRAM PANCHAYAT

Appearance:

MS. SANGITA PAHWA for THAKKAR ASSOCIATES for Petitioner No. 1
RULE SERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 04/10/2004

ORAL JUDGEMENT

In this petition, the petitioner has challenged the order of termination passed by the respondent No.1 on 26.12.1991. The petitioner was engaged as Auxiliary

Nurse-cum-Midwife by the respondent No.1 from 2.7.1973. However, by order dated 26.12.1991, services of the petitioner came to be terminated. In the order dated 26.12.1991 itself it is recorded that the Centre of Matru Bal Kalyan where the petitioner was engaged, has closed down since the grant received by the Panchayat from the Government is far less than the expenditure which the Panchayat has to weigh for sustaining the Centre and looking to the financial condition of the Panchayat, it is not possible to continue the same. Accordingly, it was decided to close down the Centre. It was also noted that shortly a Primary Health Centre is proposed to be started there and that therefore, there would be no need to sustain a separate Centre.

As recorded above, the services of the petitioner came to be terminated since the Centre at which the petitioner was engaged could not be continued by the Panchayat for want of funds. When the Centre itself is closed down, the petitioner cannot have any further claim to continue in service. Learned Counsel for the petitioner has not been able to point out any illegality in the impugned decision of the Panchayat. It is suggested that the petitioner could have been absorbed in the new Primary Health Centre, which was to be set up by the Government. Here also it was pointed out by the respondents that the petitioner did not possess necessary qualification for being recruited by the Government in the proposed Primary Health Centre. This argument of the petitioner also therefore cannot be accepted. The petition therefore fails and is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

*/Mohandas